

## **TITLE 16. MEDICAL BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at **Los Angeles Airport Hilton, 5711 West Century Boulevard, Los Angeles, California, at 9:00 a.m., on February 2, 2007.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 p.m. on January 22, 2007,** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 2111, 2113, and 2168 – 2168.5 of said Code, the Board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Amend Sections 1315.03 and 1325.4; adopt Section 1326.

Existing regulations set forth criteria for approval of section 2111 fellowships but not for section 2113 faculty registrations.

AB 2260 (Negrete McLeod, Chapter 565, Statutes of 2006), amended sections 2111, 2113 and 2168 – 2168.5 of the Business & Professions Code. This proposal implements, interprets, and makes specific this legislation, including: 1) approval of foreign trained physicians for research and training fellowships authorized by Section 2111 of the Business & Professions Code, including application and supervision criteria; 2) registration of foreign trained physicians for faculty positions in accredited medical schools authorized by Section 2113 of the Business & Professions Code, including application criteria, licensure planning, and informed consent for patients treated by these license-exempt doctors. These fellowships and faculty positions are for unlicensed, foreign physicians who are not immediately qualified for California licensure. These regulations also specify the criteria for participants of the review committee

responsible for advising the Division on the approval of faculty permits authorized by Section 2168 of the Business & Professions Code.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

#### Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### **AND**

The following studies/relevant data were relied upon in making the above determination:

This proposed regulation does not have any business impact. The only entities affected by this rulemaking file are the eight accredited medical schools in California, and there is no cost element to these proposals, which define terms, specify criteria for participation, and require informed consent for patients in the same manner for foreign participants as presently used for U.S. participants.

#### Impact on Jobs/New Businesses:

The Medical Board of California has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### Cost Impact on Representative Private Person or Business:

The Medical Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulation only relates to the eight accredited medical schools in California, five of which are in the University of California system, and the remaining three are a part of non-profit organizations, not small businesses.

### CONSIDERATION OF ALTERNATIVES

The Medical Board of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained from the person designated in the Notice under Contact Person or by accessing the Board's website: [www.mbc.ca.gov](http://www.mbc.ca.gov).

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: [www.mbc.ca.gov](http://www.mbc.ca.gov).

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's website: [www.mbc.ca.gov](http://www.mbc.ca.gov).

### CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

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The backup contact person is:

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Website Access : Materials regarding this proposal can be found at [www.mbc.ca.gov](http://www.mbc.ca.gov).